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a first vessel, at a first pressure, containing comminuted cellulosic fibrous material, and having a top, a bottom, and an outlet adjacent said bottom;  
a conduit having an inlet communicating with the outlet of said first vessel, and an outlet;  
a second vessel, having a width dimension greater than said conduit, for receiving the cellulosic material from said conduit and having a level of liquid therein; and  
a slurry pump having an inlet for receiving material from the second vessel and an outlet operatively connected to the inlet of said digester, wherein  
said second vessel comprises a tank in liquid communication with and substantially surrounding said conduit, said conduit having a screen surface substantially surrounded by said tank.

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**REMARKS**

Favorable reconsideration and allowance of this application are requested.

At the outset, there is attached hereto a listing on form PTO-1449 of those references cited during prosecution of parent application Serial No. 09/520,761 (now US Patent No. 6,368,453), which was inadvertently omitted from the papers of the subject divisional application when filed. Pursuant to Rule 98(d), copies of such listed publications have not been presented. Consideration of the same is requested.

Applicant's undersigned attorney hereby affirms the verbal election of claims 13-23 for prosecution herein.<sup>2</sup> Nonelected claims 24-48 have therefore been cancelled, but such cancellation has been effected without prejudice to the applicant's rights to file a divisional application with respect to such subject matter.

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<sup>2</sup> It is believed that the Examiner's statement on page 2, lines 7-8 of the Action should have referred to claims 13-23 as being elected verbally.

By way of the amendment instructions above, claims 18, 21 and 23 have been recast in independent form. Thus, in view of the Examiner's indication of allowable subject matter being defined thereby, such claims are believed to be in condition for prompt allowance.<sup>3</sup>

Claim 13 has been revised so as to emphasize that the conduit inlet is connected directly to the outlet of the first vessel as clearly shown in Figure 3, for example.

**I. Response to Issues Raised Under 35 USC §112, Second Paragraph**

Original claims 18-23 attracted a rejection as allegedly indefinite under 35 USC §112, second paragraph. Withdrawal of such a rejection is, however, in order. Specifically, the Examiner seems to be of the opinion that the term "gap" is indefinite as it allegedly "...has not been defined with respect to the claimed elements." Applicant emphatically disagrees.

It is quite clear that each of claims 18 and 21 requires a "gap" to be defined "between said conduit and said connecting conduit or transition". Thus, contrary to the Examiner's statement, the "gap" is indeed defined between elements in the claim – namely, between the "conduit" on the one hand and the "connecting conduit or transition" on the other hand.

The Examiner appears to misread Figure 3 since he states "...gap 82 being a screen-perforated cylinder (89)." Gap 82 is just that – a gap. In the embodiment depicted in Figure 3, the screen-perforated cylinder 89 just happens to occupy the gap. It is clear from the specification on page 14, lines 6-11 that the perforated cylinder 89 occupies the gap and represents a particularly preferred embodiment of the invention.

Thus, the issue here is one of scope of protection, and not one of indefiniteness. That is, claims 18 and 21 are sufficiently broad so they cover a gap, whether or not such

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<sup>3</sup> As discussed in more detail below, the language employed in claims 18-23 is entirely definite within the meaning of 35 USC §112, second paragraph, and thus such claims comply in all respects to this statutory provision.

gap is occupied by some other structure, such as a screen or strainer as defined in dependent claim 19.

Claims 18-23 are therefore entirely definite under 35 USC §112, second paragraph. Withdrawal of such rejection is therefore in order.

## **II. Response to Issues Under 35 USC §103(a)**

The only remaining issue to be resolved in this application is the Examiner's rejection of claims 13-17 and 19-23 as allegedly "obvious", and hence unpatentable, under 35 USC §103(a) based on Prough '355. Applicant respectfully disagrees.

Specifically, while Prough '355 does indeed describe a feed system, it clearly does not disclose the applicant's present invention. Several embodiments are described in Prough '355, but all involve reducing the height of the chip feeding system by means of a mechanism called "pump-through" or "push-through" rather than a conventional "suck-through" system.

It seems that the Examiner is of the opinion that Figures 1 and 2 of Prough '355 patent (as well as Figures 3, 4, 6, 7 and 11) all disclose that would have made the present applicant's invention "obvious" to one skilled in the art. While the Examiner is correct in asserting the Prough '355 patent addresses a chip feeding system, it error to assert that the applicant's invention is somehow "obvious" therefrom.

Specifically, in Figures 1 and 2 of the Prough '355 patent, the Examiner asserts that the first vessel (identified as 12 in Figure 1) is connected by "conduit" connecting vessel (15) to second vessel (16) and that a slurry pump (22) is provided to pump material from the second vessel (16) to the digester. All of these pieces of equipment do exist, applicants note that are neither necessarily in the positions of applicant's claimed invention, nor do they suggest they could operate as is claimed in the present invention.

The Examiner has identified the first vessel as item 12 of Figure 1 of the Prough '355 patent. The applicant's claimed invention (e.g., as defined by independent claim 13) requires that the first vessel be in direct communication with the conduit. This relationship does not exist in the apparatus shown in Figure 1 of the Prough '355 patent, that is the relationship between item 12 and item 15 (the item identified by the Examiner as a "conduit") is not a direct communication. In Figure 1 of the Prough '355 patent, the first vessel is connected to a chip meter (14) and a low pressure feeder (14') prior to being connected to the horizontal steaming vessel (15). The same arrangement is true of Figure 3 of the '355 patent.

Figure 4 of the '355 patent has the first vessel (41) connected to the screw meter (43) then connected to the low pressure feeder (14') before being connected to the chip chute, which the Examiner is suggesting is the second vessel. This arrangement does not involve a conduit in communication with the outlet of the first vessel, as stated in our claim 1. If one were to understand the arrangement of the first vessel (41) to the screw meter (43) and the low pressure feeder (14') constitutes a conduit between the first vessel and the second vessel, the feature of the width dimension of the second vessel from our claim 1 is not disclosed. While the drawings of the '355 patent suggest the size of the chip chute is greater than the low pressure feeder (14') and the screw meter (43), there is nothing in the '355 patent that assures this criteria is met.

Additionally, Figures 1-4, and 6 of the Prough '355 patent do not suggest at all a slurry pump inlet which receives material from the second vessel as claimed herein. In all of these Figures, the apparatus shown has the material from what the Examiner identifies as the second vessel (item 16) is fed directly to the high pressure feeder (17). Clearly, the feature of the material from the second vessel is not at the inlet of a slurry pump.

When considering Figures 7 and 9 of the Prough '355 patent, it is clear from the descriptions that the first vessel (41) is not connected via a conduit to the second vessel (53 or 76) as required by pending claim 13. The description of Figures 7 and 9 do

introduce the use of a slurry pump to receive the material from the second vessel (53 or 76), but no conduit as described in applicant's pending claim 13 is disclosed. In fact, the description of vessel item 76 (as shown in Figures 10 and 11) in column 9, lines 22-23 "That is, the vessel 76 at the top 78 thereof – which is connected to the chip bin 41 – ..." indicates there is no conduit at all connecting the first vessel to the second vessel as is required by applicant's claim 13.

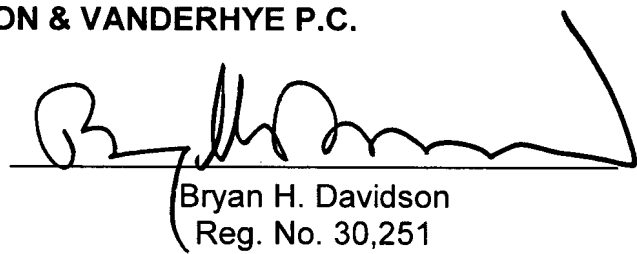
Thus, the Prough '355 patent does not disclose or suggest the present applicant's invention as defined in pending claim 13 and the claims dependent therefrom. Withdrawal of the rejection advanced under 35 USC §103(a) is therefore in order.

Early receipt of the Official Allowance Notice is solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Bryan H. Davidson", is written over a horizontal line. The signature is stylized with a large initial "B" and a long, sweeping tail.

Bryan H. Davidson  
Reg. No. 30,251

BHD:Imy  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

**APPENDIX I**

**Marked-Up Version of Amended Claims Pursuant to 37 CFR §1.121(c)**

13. (Amended) A comminuted cellulosic fibrous material treatment system, comprising:

- a digester having a comminuted cellulose material inlet at the top thereof;
- a first vessel, at a first pressure, containing comminuted cellulosic fibrous material, and having a top, a bottom, and an outlet adjacent said bottom;
- a conduit having an inlet directly connected to and communicating with the outlet of said first vessel, and an outlet;
- a second vessel, having a width dimension greater than said conduit, for receiving the cellulosic material from said conduit and having a level of liquid therein; and
- a slurry pump having an inlet for receiving material from the second vessel and an outlet operatively connected to the inlet of said digester.

18. (Amended) A comminuted cellulosic fibrous material treatment system[as recited in claim 17] comprising:

- a digester having a comminuted cellulose material inlet at the top thereof;
- a first vessel, at a first pressure, containing comminuted cellulosic fibrous material, and having a top, a bottom, and an outlet adjacent said bottom;
- a conduit having an inlet communicating with the outlet of said first vessel, and an outlet;
- a second vessel, having a width dimension greater than said conduit, for receiving the cellulosic material from said conduit and having a level of liquid therein; and

a slurry pump having an inlet for receiving material from the second vessel  
and an outlet operatively connected to the inlet of said digester,  
wherein  
said second vessel comprises a tank having a substantially right cylinder  
upper portion; and a substantially right circular cone frustum lower  
portion, said tank and said conduit being substantially concentric  
and in liquid communication with each other, and  
wherein said slurry pump is operatively connected to said conduit by a  
connecting conduit or transition; and wherein there is a gap  
between said conduit and said connecting conduit or transition; and  
wherein said tank substantially surrounds said gap.

21. (Amended) A comminuted cellulosic fibrous material treatment system[as  
recited in claim 13] comprising:

a digester having a comminuted cellulose material inlet at the top thereof;  
a first vessel, at a first pressure, containing comminuted cellulosic fibrous  
material, and having a top, a bottom, and an outlet adjacent said  
bottom;  
a conduit having an inlet communicating with the outlet of said first vessel,  
and an outlet;  
a second vessel, having a width dimension greater than said conduit, for  
receiving the cellulosic material from said conduit and having a  
level of liquid therein; and  
a slurry pump having an inlet for receiving material from the second vessel  
and an outlet operatively connected to the inlet of said digester,  
wherein  
said second vessel comprises a tank, and wherein said slurry pump is  
operatively connected to said conduit by a connecting conduit or  
transition; and wherein there is a gap between said conduit and  
said connecting conduit or transition; and wherein said tank  
substantially surrounds said gap.

23. (Amended) A comminuted cellulosic fibrous material treatment system[as recited in claim 13] comprising:

a digester having a comminuted cellulose material inlet at the top thereof;  
a first vessel, at a first pressure, containing comminuted cellulosic fibrous  
material, and having a top, a bottom, and an outlet adjacent said  
bottom;

a conduit having an inlet communicating with the outlet of said first vessel,  
and an outlet;

a second vessel, having a width dimension greater than said conduit, for  
receiving the cellulosic material from said conduit and having a  
level of liquid therein; and

a slurry pump having an inlet for receiving material from the second vessel  
and an outlet operatively connected to the inlet of said digester,  
wherein

said second vessel comprises a tank in liquid communication with and  
substantially surrounding said conduit, said conduit having a screen  
surface substantially [where] surrounded by said tank.